



CITY OF STAYTON

APPLICATION FOR CONDITIONAL USE

APPLICATION AND DECISION MAKING PROCEDURES

1. PRE-APPLICATION MEETING

Prior to submittal of an application, a pre-application meeting with City Staff is required. A completed pre-application form and sketch plan drawing need to be submitted at least 7 days in advance of the meeting. Meetings are held every Tuesday afternoon and there is no fee for the first required pre-application meeting.

2. APPLICATION FEE

Submission of a completed application form, with a plan and attachments, and payment of the application fees are required before the review process begins. The application and fees shall be submitted to the Planning Department during regular business hours. **The fee for this application is \$1,300.** If the cost to the City does not reach the amount of the fee paid, the excess fee will be refunded to the applicant after the file is closed. If during the processing of the application, the costs to the City exceed 75% of the fee paid, the applicant will be required to pay an additional 50% of the fee amount, to assure that there are adequate funds to continue to process the application.

3. REVIEW FOR COMPLETENESS AND SCHEDULING A HEARING

The City Planner will review the submitted application for completeness and, within 30 days from the date of submittal, determine if the applicant has provided all required information. If the application is incomplete, the City Planner will notify the applicant of the items which need to be submitted. Once the application is deemed complete, the Planner will schedule a hearing before the Stayton Planning Commission. Planning Commission meetings are regularly scheduled for the last Monday of the month.

4. STAFF REPORT

Once a hearing date is set, the City Planner will prepare a staff report summarizing the applicant's proposal, the decision criteria, comments from other agencies or the public, and address whether the application complies with code requirements or suggest conditions to meet those requirements. A copy of the staff report will be provided to the applicant 7 days prior to the public hearing.

5. PUBLIC HEARING BEFORE THE STAYTON PLANNING COMMISSION

Prior to the public hearing, notice is required to be sent to all property owners within 300 feet of the property 20 days before the hearing, so the hearing will be scheduled at the first regular meeting following the notice period. The hearing is to give all interested parties an opportunity to comment on the application. The hearing is conducted by the Chairperson in accordance with the Stayton Public Hearing Rules of Procedure. These rules are available at City Hall.

At the conclusion of the hearing and deliberation, the Planning Commission will adopt an order stating the decision criteria, findings of fact, conclusions whether the application meets any applicable standards and the Commission's decision. The Commission may decide to deny, approve, or approve the application with conditions.

6. PUBLIC HEARING BEFORE THE STAYTON CITY COUNCIL

An application may be called up by, or appealed to the City Council. If called up, the Council will also conduct a public hearing. If appealed, the Council will decide whether to hear the appeal and hold a public hearing. A notice is required 10 days prior to the hearing which will be held at the regular Council meeting, which meets the first and third Mondays of every month. Staff reports, Planning Commission findings, and any new information will be presented to Council for consideration. The purpose of the hearing is to receive further public testimony, to review the application and consider the Planning Commission's decision and conditions. Generally, the Council will make a decision at the conclusion of the hearing process, but may delay the decision for further information or action by the applicant. The Council will then adopt an order either approving or denying the application.

7. APPEALS

Council actions may be appealed to the State Land Use Board of Appeals pursuant to ORS 197.805 through 197.855.

8. FOR MORE INFORMATION

Call or write to City of Stayton Planning Dept., (mailing address) 362 N. Third Avenue, (building address) 311 N. Third Avenue, Stayton, Oregon 97383. (503) 769 2998; email: dfleishman@ci.stayton.or.us.

APPLICATION CHECKLIST FOR CONDITIONAL USE REVIEW

This checklist has been prepared to assist applicants in submitting an application that includes all the submission requirements in Section 17.12.190. Please note that this checklist may paraphrase the requirements from the Code. It is the applicant's responsibility to read and understand the requirements of the Code. Review of an application will not begin until a complete application has been submitted. If you have questions, contact the Planning Department.

- ☐ **Certified List of Property Owners:** A certified list of all property owners within 300 feet of the property on which the conditional use is proposed, dated within 60 days of the date on which the application for conditional use is filed. Two copies of the list must be submitted on adhesive-backed mailing labels.
- ☐ **Property Owner Authorization:** If the applicant is not the owner of the property, the application must include written indication of the applicant's right to file the application. This may be a purchase and sale agreement, an option or other document that gives the applicant some legal interest in the property. If the applicant is to be represented by another individual (planning consultant, engineer, attorney) the application must be accompanied by a notarized statement certifying that the applicant's representative has the authorization of the applicant(s) to file the application.
- ☐ **Three copies of a site plan** at a scale of 1 inch equals not more than 50 feet with a north point, graphic scale, tax map number and tax lot number included and 12 reduced copies of the plan sized 11 inches by 17 inches.
- ☐ **The site plan shall show the property for which the conditional use is requested, surrounding properties, neighboring streets and roads, existing uses of the property, and proposed development and improvements of the property.**
- ☐ **Vicinity Map:** The vicinity map may be drawn on the same map as the site plan. All properties, streets, and natural features within 300 feet of the perimeter of the parcel shall be shown on the vicinity map.
- ☐ **The boundary lines of the parcel and area of the property in acres or square feet.**
- ☐ **A narrative statement fully explaining the proposed use and fully addressing the criteria for approval of a conditional use.**
- ☐ **Five copies of either a Transportation Assessment Letter or a Transportation Impact Analysis. A Transportation Impact Analysis is required if:**
 - 1) The development generates 25 or more peak-hour trips or 250 or more daily trips.
 - 2) An access spacing exception is required for the site access driveway(s) and the development generates 10 or more peak-hour trips or 100 or more daily trips.
 - 3) The development is expected to impact intersections that are currently operating at the upper limits of the acceptable range of level of service during the peak operating hour.
 - 4) The development is expected to significantly impact adjacent roadways and intersections that have previously been identified as high crash locations or areas that contain a high concentration of pedestrians or bicyclists such as a school.

The Transportation Impact Analysis shall be based on the standards and requirements in Section 17.26.050. If a Transportation Impact Analysis is not required, a Transportation Assessment Letter shall be submitted that meets the requirements of 17.26.050.2.

BURDEN OF PROOF

This is a quasi-judicial application in which the applicant has the burden of proof. According to law, the applicant must present to the decision maker facts, evidence, analysis, and justification for each and every decisional criteria in order to carry out that burden of proof. It is important to remember that there is no assumption that the applicant is entitled to this approval. The burden of proof lies with the applicant to prove how the proposal complies with the land use ordinances, not with the City of Stayton.

Stayton Municipal Code Title 17, Land Use and Development, is available online at:
www.staytonoregon.gov. Click on the Document Center tab and select Municipal Code.



CITY OF STAYTON APPLICATION FOR CONDITIONAL USE

PROPERTY OWNER: _____

Address: _____

City/State/Zip: _____

Phone: (____) _____ - _____

Email: _____

APPLICANT: _____

Address: _____

City/State/Zip: _____

Phone: (____) _____ - _____

Email: _____

APPLICANT'S REPRESENTATIVE: _____

Address: _____

City/State/Zip: _____

Phone: (____) _____ - _____

Email: _____

CONSULTANTS: Please list below planning and engineering consultants.

PLANNING

Name: _____

Address: _____

City/State/Zip: _____

Phone: (____) _____ - _____

Email: _____

ENGINEERING

Name: _____

Address: _____

City/State/Zip: _____

Phone: (____) _____ - _____

Email: _____

Select one of the above as the principal contact to whom correspondence from the Planning Department should be addressed:

☐ owner ☐ applicant ☐ applicant's representative ☐ planning consultant ☐ engineer

LOCATION:

Street Address: _____

Assessor's Tax Lot Number and Tax Map Number: _____

Closest Intersecting Streets: _____

ZONE MAP AND COMPREHENSIVE PLAN DESIGNATION: _____

SIGNATURE OF APPLICANT: _____

DO NOT WRITE BELOW THIS LINE

Application received by: _____ Date: _____ Fee Paid: \$ _____ Receipt No. _____

Land Use File# _____

QUESTIONS TO BE ADDRESSED IN NARRATIVE STATEMENT

The Stayton Planning Commission, with assistance from the Planning Department and the Public Works Department will use the information provided by the applicant to analyze the merits of this application. A decision to approve or deny the application is made based on how well the applicant presents information to show the application meets the standards and criteria set forth in the Stayton Land Use and Development Code 17.12.190.4. Please provide the following information in full and attach to this application as Exhibit A.

1. PROPOSAL: What is the proposed conditional use?
2. COMPATIBILITY WITH SURROUNDING AREA: How will this proposal be compatible with existing uses in the surrounding area as measured by factors like noise, odors, appearance, traffic congestion, hazards to the public, generation of waste products, scale of development, excessive glare of lighting, and demand on public services and facilities?
3. COMPATIBILITY WITH ZONING DISTRICT: How is the proposal consistent with the standards and purposes of the zoning district where it is located? (See Section 17.16.060 for the district purposes.)
4. POTENTIAL ADVERSE IMPACTS: Are there any adverse impacts that will result from the granting of this conditional use (such as noise, odors, appearance, and other hazards) and if so, how will those impacts be mitigated?
5. TRAFFIC IMPACTS ON SURROUNDING AREA: Will the proposed conditional use cause any adverse impacts on the normal flow or movement of traffic in the surrounding area?
6. ADEQUATE UTILITIES: How will the development obtain or maintain adequate utility systems (including water, sewer, surface water drainage, power, and communications), and connections, including easements, to properly serve the subject property in accordance with accepted City standards?

All public improvements must meet City of Stayton standard specifications. All design plans must be approved by the City prior to construction. The City will inspect all construction.

- a. List public services currently available to the site:

Water Supply: _____ - inch line available in _____ Street.
Sanitary Sewer: _____ - inch line available in _____ Street.
Storm Sewer: _____ - inch line available in _____ Street.
Natural Gas: _____ - inch line available in _____ Street.
Telephone: ☐ is (or) ☐ is not available in _____ Street.
Cable TV: ☐ is (or) ☐ is not available in _____ Street.
Electrical: ☐ is (or) ☐ is not available in _____ Street.

- b. Will existing City public services need to be replaced or upgraded to accommodate the demands created by the development?
7. OTHER AVAILABLE PROPERTY: Is there other property which is zoned to permit this use outright? Is it reasonably available?